

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DEMETRIUS MONTREL WILLIAMS

PETITIONER

v.

CIVIL ACTION NO. 1:21-cv-164-TBM-MTP

SCOTT MIDDLEBROOKS

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [7] entered by United States Magistrate Judge Michael T. Parker on February 2, 2022. After considering the record and the applicable law, Judge Parker recommends that the Respondent's Motion to Dismiss [4] be granted in part and denied in part, and that the Petition for Writ of Habeas Corpus [1] be dismissed without prejudice. The Petitioner has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.


"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (*citing Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment). Having considered Judge Parker's Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [7] entered by United States Magistrate Judge Michael T. Parker on February 2, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED Respondent's Motion to Dismiss [4] is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED AND ADJUDGED the Petitioner's claims are DISMISSED WITHOUT PREJUDICE.

THIS, the 25th day of February, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE